



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Nicholas Marritz
MuckRock
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Re: Appeal No. DOJ-AP-2019-005201
Request No. 1430433
CDT:RNB

VIA: Email

Dear Nicholas Marritz:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Dennis Vincent Brutus. I have construed your appeal to concern the adequacy of the FBI's search.

After carefully considering your appeal, I am affirming the FBI's action on your request. The FBI informed you that it could locate no responsive records subject to the FOIA in its files. The FBI searched its automated and manual indices for the subject of your request. I have determined that the FBI's action was correct and that it conducted an adequate, reasonable search for such records.

The FBI also informed you that records that might have been responsive to your request were destroyed pursuant to the agency's record retention and disposition schedules approved by the National Archives and Records Administration. Because these records were destroyed, the FBI could not determine whether they would have been responsive to your request.

Additionally, please be advised that the FBI found a reference to records that might be responsive to your request. These records, however, were transferred to the National Archives and Records Administration (NARA). If you have not done so already, you may wish to submit a request directly to NARA for these records at the following address:

National Archives and Records Administration
Special Access and FOIA Staff
NWCTF-Room 5500
8601 Adelphi Road
College Park, MD 20740

Finally, as to your appeal concerning the FBI's failure to provide you with destruction or transfer slips, please be advised that you may wish to submit a new request directly to the FBI for these records.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/25/2019

X



Christina D. Troiani, Associate Chief, for
Sean O'Neill, Chief, Administrative Appeals ...
Signed by: CHRISTINA TROIANI